

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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JASON A. MAHE,

Plaintiff,

v.

DAVID RIVAS, *et al.*,

Defendants.

Case No. 3:22-CV-00536-MMD-CLB

**REPORT AND RECOMMENDATION OF  
U.S. MAGISTRATE JUDGE<sup>1</sup>**

This case involves a civil rights action filed by Plaintiff Jason A. Mahe (“Mahe”). Before the Court is Mahe’s failure to comply with Local Rule (“LR”) IA 3-1 requiring him to change his address.

The docket in this case reflects that Plaintiff Jason A. Mahe’s (“Mahe”) current address is at the Ohio Department of Rehabilitation’s Lorain Correctional Institution. However, the Court received notices in two other cases filed by Mahe which show that he is no longer at Lorain Correctional Institution. *Mahe v. Dunbar*, No. 3:21-cv-00355-MMD-CLB (D. Nev. filed Aug. 12, 2021) (ECF No. 69); *Mahe v. Frazier*, No. 3:23-cv-00096-MMD-CLB (D. Nev. filed Mar. 3, 2023) (ECF No. 21). The Court took judicial notice of the filings in Mahe’s other cases and found that Mahe’s listed address for this case is incorrect. Fed. R. Evid. 201(b)(1). Therefore, the Court issued an order requiring Mahe to update his address by June 3, 2024, pursuant to Local Rule IA 3-1. (ECF No. 75.) Mahe was cautioned that his failure to do so would result in a dismissal of this action. (*Id.*)

To date, Mahe has not filed a notice of change of address with the Court. LR IA 3-1 provides that the failure to “immediately file with the Court written notification of any change of address . . . may result in dismissal of the action . . . .”

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<sup>1</sup> This Report and Recommendation is made to the Honorable Miranda M. Du, United States District Judge. The action was referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and LR IB 1-4.

Prior to dismissal for failure to follow local rules, the Court must consider “(1) the public’s interest in expeditious resolution of litigation; (2) the court’s need to manage its docket; (3) the risk of prejudice to the defendants; (4) the public policy favoring disposition of cases on their merits; and (5) the availability of less drastic sanctions.” *Carey v. King*, 856 F.2d 1439, 1440 (9th Cir. 1988) (quoting *Henderson v. Duncan*, 779 F.2d 1421, 1423 (9th Cir. 1986)). This litigation cannot proceed or be decided on the merits if the Court and Defendants cannot contact Mahe, nor should the Court or Defendants be required to continue to try to resolve the case without the Mahe’s participation. All five factors clearly favor dismissal of this case.

Based on the foregoing and for good cause appearing, the Court recommends that this case be dismissed based upon Mahe’s failure to notify the Court of his change of address pursuant to LR IA 3-1.

The parties are advised:

1. Pursuant to 28 U.S.C. § 636(b)(1)(c) and Rule IB 3-2 of the Local Rules of Practice, the parties may file specific written objections to this Report and Recommendation within fourteen days of receipt. These objections should be entitled “Objections to Magistrate Judge’s Report and Recommendation” and should be accompanied by points and authorities for consideration by the District Court.

2. This Report and Recommendation is not an appealable order and any notice of appeal pursuant to Fed. R. App. P. 4(a)(1) should not be filed until entry of the District Court’s judgment.

#### RECOMMENDATION

**IT IS THEREFORE RECOMMENDED** that this action be **DISMISSED** for Mahe’s failure to comply with LR IA 3-1.

**DATED:** June 4, 2024.

  
UNITED STATES MAGISTRATE JUDGE